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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,474	01/28/2002	Hsiu-Chu Lin	TS01-353	4179
28112	7590	12/22/2005	EXAMINER	
GEORGE O. SAILE & ASSOCIATES 28 DAVIS AVENUE POUGHKEEPSIE, NY 12603			SALIARD, SHANNON S	
			ART UNIT	PAPER NUMBER
			3639	
DATE MAILED: 12/22/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/058,474	LIN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Shannon S. Saliard	3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 1/28/02.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/8/02</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 5, 9, 11, 21, 24, and 26** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In particular, these claims as a whole encompass a human being, which is non-statutory subject matter.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 3 and 11** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claim 3** recites the limitation "said corrective action". There is insufficient antecedent basis for this limitation in the claim.

**Claim 11** recites the limitation "said conformation". There is insufficient antecedent basis for this limitation in the claim.

**Claim 11** recites the limitation "said corrective action". There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1, 3, 4, 10, 12, 16, 17, 19, 20, 25, and 27** are rejected under 35

U.S.C. 102(e) as being anticipated by Pape et al [US 2002/0122715].

As per **claims 1 and 17**, Pape et al discloses a method of releasing product for shipping, comprising: providing a computer having a memory and a number of user inputs (0035); providing a product storage unit (0028); providing an exit control station (0048); providing a printer (0035); providing a product release information source (0042); feeding product release information into said computer from said product release information source; storing said product release information in said computer memory (0048); entering a shipping request into one of said user inputs of said computer by a user wherein said shipping request comprises instructions to ship a quantity of product to a customer (0041; 0042); transmitting instructions from said computer to said product storage unit, said printer, and said exit control station to ship said quantity of product (0048); transmitting product release information related to said

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product storage unit, said printer, and said exit control station; printing a product release form for said quantity of product by said printer using said product release information transmitted to said printer by said computer (0048); locating said quantity of product in said product storage unit, attaching said product release form, and preparing said quantity of product for shipping; transporting said quantity of product to said exit control station (0048; 0059); verifying said quantity of product has said product release form attached and is the same quantity of product identified by shipping request at said exit control station (0071); and shipping said quantity of product if said quantity of product has said product release form attached and is the same quantity of product identified by said shipping request (0072).

As per **claims 3 and 19**, Pape et al further discloses further comprising transmitting confirmation of shipping said quantity of product or said corrective action taken to said computer (0048; 0077).

As per **claims 4 and 20**, Pape et al further discloses wherein said product storage unit is a warehouse (0045).

As per **claims 10 and 25**, Pape et al further discloses wherein said verifying said quantity of product has said release form attached and is said quantity of product identified by said instructions is accomplished using an electronic scanning system (0071).

As per **claims 12 and 27**, Pape et al further discloses wherein said transmitting said confirmation of shipping said quantity of product or said corrective action taken is accomplished using a data terminal connected to said computer (0048).

As per **claim 16**, Pape et al further discloses wherein said user is an employee of a unit producing said quantity of product (0041).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 2 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Pape et al [US 2002/0122715] in view of Duncan et al [US 2003/0083890].

As per **claims 2 and 18**, Pape et al discloses all the limitations of claim 1. Pape et al does not disclose further comprising taking corrective action if said quantity of product does not have said product release from attached or is not the same said quantity of product identified by said shipping request. However, Duncan et al discloses a method of releasing product for shipping in which corrective action is taken when the shipping quantity does not match the ordered quantity of a product (0037). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Pape et al to include the method disclosed by Duncan et al for the quality assurance and customer satisfaction by ensuring that the customer receives the product that was ordered.

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5. **Claims 5, 9, 11, 13, 14, 21, 24, 26, and 28-31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Pape et al [US 2002/0122715].

As per **claims 5 and 21**, Pape et al discloses all the limitation of claim 1. Pape et al fails to explicitly disclose wherein said exit control station comprises a security guard. However, the Examiner takes Official Notice that providing a security guard for preventing non-authorized items from proceeding through customs in old and well known. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Pape et al to include providing a security guard for protection from theft, attack, or disclosure.

As per **claims 9 and 24**, Pape et al fails to explicitly disclose wherein said verifying said quantity of product has said release form attached and is said quantity of product identified by said instructions is accomplished by a security guard. However, the Examiner takes Official Notice that providing a security guard for preventing non-authorized items from proceeding through customs in old and well known. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Pape et al to include providing a security guard for verification that only released items are shipped.

As per **claims 11 and 26**, Pape et al fails to explicitly disclose wherein said transmitting said confirmation of shipping said quantity of product or said corrective action taken is performed by a security guard. However, the Examiner takes Official Notice that providing a security guard for preventing non-authorized items from proceeding through customs in old and well known. Therefore, it would have been

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obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Pape et al to include providing a security guard for verification that only released items are shipped.

As per **claims 13, 28, and 29**, Pape et al fails to explicitly disclose wherein said product release source is a magnetic disk. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the capability of loading product source information from a magnetic disk to avoid manually inputting product release information into the computer.

As per **claims 14, 30, and 31**, Pape et al discloses all the limitation of claim 1. Pape et al fails to explicitly disclose wherein said product release information source is a compact disk. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the capability of loading product source information from a compact disk to avoid manually inputting product release information into the computer.

6. **Claims 6-8, 15, 22, and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Pape et al [US 2002/0122715] in view of Petkovsek [U.S. Patent No. 6,863,310].

As per **claim 6, 7, and 22**, Pape et al discloses all the limitations of claim 1. Pape et al does not disclose wherein said transmitting said product release information to said printer includes instructions to print a digital stamp on said product release form. However, Petkovsek discloses a method of releasing a product for shipping including



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printing a digital stamp on a form (col 9, lines 27-32). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Pape et al to include the method disclosed by Petkovsek. Petkovsek provides the motivation that the digital stamp aids in the delivery of non-domestic mail and provide a record for the sender and sender and shipping authority that the mail reached its destination.

As per **claims 8 and 23**, Pape et al does not disclose wherein said product release form includes a customs declaration. However, Petkovsek discloses a method for releasing a product, which includes providing a customs declaration form (col 5, lines 31-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Pape et al to include the method disclosed by Petkovsek. Petkovsek provides the motivation that providing the customs declaration on the label of the mail in conjunction with the other necessary mail information allows the sender to complete one single form for delivery of the item.

As per **claim 15**, Pape et al does not disclose wherein said product release information includes information required to produce a digital stamp and a customs declaration form. However, Petkovsek discloses a method for releasing a product, which includes providing a customs declaration form and digital stamp (col 5, lines 31-44; col 9, lines 27-32). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Pape et al to include the method disclosed by Petkovsek. Petkovsek provides the motivation that providing the customs declaration and digital stamp on the label of the mail in conjunction with the

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other necessary mail information allows the sender to complete one single form for delivery of the item.

### ***Conclusion***

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shannon S. Saliard whose telephone number is 571-272-5587. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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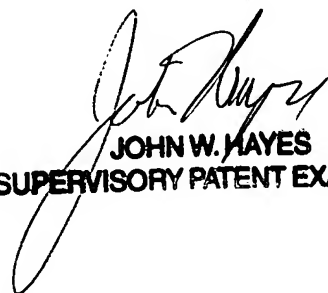
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SSS

  
**JOHN W. HAYES**  
**SUPERVISORY PATENT EXAMINER**

Shannon S Saliard  
Examiner  
Art Unit 3639